

Steven L. Beshear
Governor

Robert D. Vance, Secretary
Environmental and Public
Protection Cabinet

Larry R. Bond
Commissioner
Department of Public Protection

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Public Service Commission
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Mark David Goss
Chairman

John W. Clay
Vice Chairman

Caroline Pitt Clark
Commissioner

February 25, 2008

RE: Case No. 2008-00040

We enclose one attested copy of the Commission's Order in the above case.

Sincerely,

A handwritten signature in black ink, appearing to read "Beth O'Donnell".

Beth O'Donnell
Executive Director

BOD/rs
Enclosure



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Commissioner

Ronald J. Osborne
Secretary
R. A. Williams Development Co., Inc. d/b/a Cedarbrook Treatment Plant
Suite 1A
153 Prosperous Place
Lexington, KY 40509

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Lawrence Smither
Member
Cedarbrook Utilities, LLC
1706 Bardstown Road
Louisville, KY 40205

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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOINT APPLICATION OF R.A. WILLIAMS)	
CONSTRUCTION COMPANY, INC. AND)	
CEDARBROOK UTILITIES, LLC FOR APPROVAL)	CASE NO.
OF THE TRANSFER OF WASTEWATER)	2008-00040
TREATMENT PLANT TO CEDARBROOK,)	
UTILITIES, LLC)	

ORDER

On February 14, 2008, R. A. Williams Construction Company (“R. A. Williams”) and Cedarbrook Utilities, LLC (“Cedarbrook”) (jointly “Petitioners”) applied to the Commission for authority to transfer R. A. Williams’ sewage treatment and collection facilities and customer deposits to Cedarbrook.

R. A. Williams, a Kentucky corporation, owns and operates a subdivision sewage treatment facility that serves approximately 54 customers in the Cedarbrook Subdivision of Cynthiana, Harrison County, Kentucky.¹ R. A. Williams is a utility subject to Commission jurisdiction.² KRS 278.020(5) and (6) require prior Commission approval of the proposed transfer.

Finding that this proceeding involves complex questions regarding the current operator’s authority to transfer ownership of the facilities in question, the current physical condition of those facilities, and the required improvements to maintain reliable service and that such questions cannot be resolved within the 60-day period established

¹ Application at 2.

² KRS 278.010(3)(f); KRS 278.015.

in KRS 278.020(6), the Commission extends the statutory period for review of the proposed transfer of control to 120 days. We further find that a procedural schedule should be established to review the merits of the pending application.

IT IS THEREFORE ORDERED that:

1. The period for reviewing the Petitioners' application is extended to 120 days.

2. All parties shall follow the procedural schedule set forth in Appendix A.

3. a. Responses to requests for information shall be appropriately bound, tabbed and indexed and shall include the name of the witness responsible for responding to the questions related to the information provided, with copies to all parties of record and 8 copies to the Commission.

b. Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or association or a governmental agency, be accompanied by a signed certification of the preparer or person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

c. Any party shall make timely amendment to any prior responses if it obtains information which indicates that the response was incorrect when made or, though correct when made, is now incorrect in any material respect.

d. For any requests to which a party fails or refuses to furnish all or part of the requested information, that party shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

4. At any hearing in this matter, neither opening statements nor summarization of direct testimony shall be permitted.

5. Motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

6. All documents that this Order requires to be filed with the Commission shall be served upon all other parties.

7. Service of any document or pleading shall be made in accordance with Administrative Regulation 807 KAR 5:001, Section 3(7), and Kentucky Civil Rule 5.02.

8. Petitioners shall give notice of the hearing in accordance with the provisions set out in 807 KAR 5:011, Section 8(5). At the time publication is requested, Petitioners shall forward a duplicate of the notice and request to the Commission.

9. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

Done at Frankfort, Kentucky, this 25th day of February, 2008.

By the Commission

ATTEST:



Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2008-00040 DATED FEBRUARY 25, 2008

First set of requests for production of documents and interrogatories shall be served upon Petitioners and filed with the Commission no later than..... 02/29/2008

Petitioners shall file with the Commission and serve upon all parties their responses to first set of requests for production of documents and interrogatories no later than..... 03/14/2008

Second set of requests for production of documents and interrogatories shall be served upon Petitioners and filed with the Commission no later than..... 03/28/2008

Petitioners shall file with the Commission and serve upon all parties their responses to second set of requests for production of documents and interrogatories no later than..... 04/11/2008

Each party presenting testimony at the scheduled hearing shall file with the Commission and serve upon all other parties a list of all witnesses that it intends to call and a summary of each witness's expected testimony no later than 04/25/2008

Public Hearing is to begin at 9:00 a.m., Eastern Standard Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky, for the purpose of taking the testimony of witnesses (to be scheduled)